

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHNNY C. BORIZOV (M-38390),)	
)	
Plaintiff,)	Case No. 19 CV 7549
)	
v.)	Hon. Judge John Z. Lee
)	
WENDY OLSEN-FOXON, <i>et al.</i> ,)	JURY DEMAND
)	
Defendants.)	

DEFENDANT'S AMENDED ANSWER TO PLAINTIFF'S COMPLAINT

Defendant, Wendy Olsen-Foxon, by and through her attorney, Kwame Raoul, Attorney General for the State of Illinois, hereby files this amended response to Plaintiff's Complaint and states as follows:

Statement of Claim

On December 10, 2017, Plaintiff, who is a diabetic Type 1 had a drop in sugar causing him to have a diabetic attack where he became lethargic and incoherent. At approx. 8:00 am, he was making noise, so his cellmate Mark Kimbrough R-68186 began yelling for medical help (for a med-tech) to come to the cell (309 in C-house) at Stateville. In about 20-minutes 3 medical personnel came Tina Tomaras, Athena _____, and Wendy Olson-Foxon. A little while later a fourth nurse arrived (Amy Rue_____). MT Wendy Oldon-Foxon shot Plaintiff two or three times with _____ medication. Wendy then turned him on his right side, at the time he was wearing boxer underwear. However, he could not protect himself. Plaintiff's cellmate (Kimbrough) told Wendy:

“What are you doing?” when she put tube in Plaintiff’s anus. The other staff stood there and allowed Wendy to do that to him.

ANSWER: Defendant admits that Plaintiff was a prisoner at Stateville Correctional Center, and that Defendant was employed at Stateville Correctional Center as a Medical Technician at all times relevant to this Complaint. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the paragraph above.

Once Plaintiff’s sugar level normalized, he felt shame and humiliated and sexually violated. At the time he could not stop Wendy, and afterward was angry and confused. Wondering why she would insert the tube in his anus. He knew this was not the proper procedure. Also he does not know why he was hit in the face by Wendy so many times.

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph above.

Plaintiff was left in his cell with a bloody chuck-pad and soreness in his anus. The next morning on 12/11/17 Wendy came to his cell and asked if he was “o.k.” and if everything “between us” is o.k. and she waited to check his sugar. Plaintiff clearly told her he was traumatized by the event, and even cried.

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph above.

Plaintiff made verbal complaints and written grievances to healthcare about the staff involved. He wrote grievances and submitted a PREA complaint (Prison Rape Elimination Act). The PREA Complaint went to A.W. D. Williams who denied it. The Grievance/PREA went to Springfield and was put on hold pending PREA investigation. He has received no further status on this investigation.

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph above.

Plaintiff continues to have both physical pain where he developed hemorrhoids because of the damage to his anus, and he has psychological trauma – he sees mental health regularly about this problem.

ANSWER: Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph above.

Relief

He seeks punitive and compensatory damages for the monetary total of \$200,000.

ANSWER: Defendant denies that Plaintiff is entitled to any relief.

AFFIRMATIVE DEFENSES

First Affirmative Defense: At all times relevant herein, Defendants acted in good faith and in furtherance of lawful objectives without violating Plaintiff's clearly established statutory or constitutional rights of which a reasonable person would have known. Defendant is therefore protected from suit by the doctrine of qualified immunity.

Second Affirmative Defense: To the extent that Plaintiff's claims accrued more than two years prior to filing this lawsuit, his claims are barred by the statute of limitations.

JURY DEMAND

Defendants demand a trial by jury on all issues herein triable.

Dated: January 22, 2021

Respectfully submitted,

KWAME RAOUL
Attorney General for Illinois

s/ Joi Lynne Taylor
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CERTIFICATE OF SERVICE

The undersigned certifies that on January 22, 2021 the foregoing document was electronically filed with the Clerk of the Court for the United States District Court, Northern District of Illinois using the CM/ECF system.

s/ Joi Lynne Taylor